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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Anil K. Kumar

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03/06/2006

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EXAMINER

GREY, CHRISTOPHER P

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,244

Applicant(s)

KUMAR, ANIL K.

Examiner

Christopher P. Grey

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Responsive to the amendment filed on December 1, 2005, amended claims 1, 5 and 9 have been entered as requested.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 5 and 9 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure, which is not enabling. In claims 1, 5 and 9, the applicants claimed, “application software” is critical or essential to the practice of the invention, but not included in the specification. The applicant adds the term software, however, nowhere within the specification does the applicant disclose the term software or how it relates to the applicants disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 1 recites the limitation “if the mobility management state is idle” in page 2 line 7. There is insufficient antecedent basis for this limitation in the claim. Claim 1 does not disclose a mobility management state being determined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferene et al. (US 4731785), hereinafter referred to as Ferene, in view of Kalliokulju et al. (US 6717928)

Claim 1 Ferene discloses determining whether a mobile subscriber is currently in a packet data service network or a circuit data service network (Col 3 lines 28-44 and Col 2 lines 48-60).

Ferene does not specifically disclose determining the mobility management state of the mobile subscriber and automatically closing the packet data service applications if the mobility management state is idle.

Kalliokulju discloses using a mobility management technique within a packet switched network, to establish (determine) a connection state (Col 5 lines 57-64 and Col 5 lines 17-24).

Kalliokulju also discloses an idle state where paging signaling is not conducted (closing applications) and the mobile station is unconnected to the network (Col 6 lines 7-30).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to combine the interface circuitry for determining a packet or circuit data

service type as disclosed by Ferene, with the mobility management technique as disclosed by Kalliokulju in order to set up a connection state within a packet network and reduce the power consumption of the wireless communication device, thereby extending the standby time of the wireless communication device with one charging (Col 4 lines 37-67).

Claim 2, 6, 14 Ferene does not disclose continuing with active packet data service applications if the mobility management state is ready.

Kalliokulju discloses a ready state where the mobile subscriber transmits and receives packets and the packet network performs paging signaling (Col 8 lines 26-36). It would have been obvious to one of the ordinary skill in the art at the time of the invention to combine the interface circuitry as disclosed by Ferene with the controller for specifying and determining a state as disclosed by Kalliokulju. The motivation for this combination is to set up a connection state.

Claim 3, 7, 15 Ferene does not disclose suspending the current packet data service application if the mobile subscriber is in standby state, however Kalliokulju discloses a standby state where data transmission packet are waited (suspended) for (see abstract and Col 6 lines 31-54).

Claim 4, 8, 16 Ferene does not disclose when the mobile subscriber is in a circuit data service network, automatically closing all packet data service applications.

Kalliokulju discloses a mobility management technique applied within a packet switched service (Col 5 lines 17-24 and lines 57-64), where it would have been obvious to one skilled in the art at the time of the invention that the mobility management

technique would not be applied to a circuit switched service as selected by the invention of Forslow, therefore the packet data service connections would be unnecessary (closed).

Claim 5 Ferene discloses storing instructions that enable a processor-based system to: determine whether a mobile subscriber is currently in packet data service network or a circuit data service network (Col 2 lines 48-60 and Col 3 lines 29-44 and Col 15 lines 34-64).

Ferene does not specifically disclose determining the mobility management state of the mobile subscriber and automatically closing the packet data service applications if the mobility management state is idle.

Kalliokulju discloses using a mobility management technique within a packet switched network, to establish (determine) a connection state (Col 5 lines 57-64 and Col 5 lines 17-24).

Kalliokulju also discloses an idle state where paging signaling is not conducted (closing applications) and the mobile station is unconnected to the network (Col 6 lines 7-30).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to combine the interface circuitry for determining a packet or circuit data service type as disclosed by Ferene, with the mobility management technique as disclosed by Kalliokulju in order to set up a connection state within a packet network and reduce the power consumption of the wireless communication device, thereby

extending the standby time of the wireless communication device with one charging (Col 4 lines 37-67).

Claim 9 Ferene discloses a processor (Col 3 lines 29-44).

Ferene discloses a storage storing instructions that enable the processor to determine whether the cellular telephone is currently in a packet data service network or a circuit data service network (Col 2 lines 48-60 and Col 3 lines 29-43).

Ferene does not specifically disclose determining the mobility management state of the mobile subscriber and automatically closing the packet data service applications if the mobility management state is idle.

Kalliokulju discloses using a mobility management technique within a packet switched network, to establish (determine) a connection state (Col 5 lines 57-64 and Col 5 lines 17-24).

Kalliokulju also discloses an idle state where paging signaling is not conducted (closing applications) and the mobile station is unconnected to the network (Col 6 lines 7-30).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to combine the interface circuitry for determining a packet or circuit data service type as disclosed by Ferene, with the mobility management technique as disclosed by Kalliokulju in order to set up a connection state within a packet network and reduce the power consumption of the wireless communication device, thereby extending the standby time of the wireless communication device with one charging (Col 4 lines 37-67).

Claim 10 Ferene does not specifically disclose supporting both 2nd and 3rd generation applications, however the background of the applicants invention disclose a mode for supporting both 2nd and 3rd generation applications (page 2 lines 1-7).

5. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferene et al. (US 4731785), hereinafter referred to as Ferene, in view of Kalliokulju et al. (US 6717928) in further view of Forslow (WO 9916266)

Claim 11 The combined teachings of Ferene and Kalliokulju do not specifically disclose the processor being an application processor.

Forslow discloses an application flow, where it would have been obvious to one skilled in the art at the time of the invention that an application flow is handled by an application processor (page 10 lines 7-18 and element 12 in fig 1).

Claim 12 The combined teachings of Ferene and Kalliokulju do not specifically disclose a base band processor.

Forslow discloses a mobile host (element 12 in fig 1) in the form of a computer, where it would have been obvious to one of the ordinary skill in the art at the time of the invention that the computer is equivalent to a base band processor

Claim 13 Ferene does not specifically disclose the base band processor storing a call model.

Kalliokulju discloses a mobility management function being conducted by a wireless device, where it would have been obvious to one of the ordinary skill in the art

at the time of the invention that this mobility management function is performed by a call model.

The motivation is the same as that for claim 1.

Response to Arguments

6. Applicant's arguments filed on December 1, 2005 have been fully considered but they are not persuasive.

(a) In response to the applicant's argument that the references fail to show the applicants claimed, "software", it is noted that the argued subject matter (i.e. software) does not appear within the specification. Further arguments pertaining to software will not be addressed due to the fact that this subject matter changes the scope of the claim, however is not supported within the specification.

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2667

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Grey whose telephone number is (571)272-3160. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571)272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Grey
Examiner
Art Unit 2667

C. Grey
2/28/06

Chau T. Nguyen

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